

H.C.R. 129
H.C.R. 163
H.B. 1407 (Effective immediately)
H.B. 317 (Effective September 1, 1987)
H.B. 51 (Effective immediately)
S.B. 180 (Effective September 1, 1987)
S.B. 119 (Effective September 1, 1987)
S.B. 206 (Effective immediately)
S.B. 308 (Effective immediately)
S.B. 309 (Effective January 1, 1988)
S.B. 359 (Effective September 1, 1987)
S.B. 816 (Effective immediately)
S.B. 162 (Effective August 31, 1987)
S.B. 273 (Effective August 31, 1987)
(April 30, 1987)
S.B. 563 (Effective September 1, 1987)
S.B. 539 (Effective September 1, 1987)
S.B. 513 (Effective immediately)
S.B. 263 (Effective January 1, 1988)
H.B. 1721 (Effective immediately)

FIFTIETH DAY
(Friday, May 1, 1987)

The Senate met at 9:30 a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sims, Tejada, Truan, Uribe, Washington, Whitmire, Zaffirini.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Our Father, this morning we pray for all those in the Senate circle and ask Thy watch care over them as they struggle with the freedom of choice and the difficult choices before them. The agenda is long, the issues sensitive and our prayer is that they will be debated in an atmosphere of openness and compromise, free from anxiety. In His name, Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

REPORTS OF STANDING COMMITTEES

Senator Brooks submitted the following report for the Committee on Health and Human Services:

S.B. 856
S.C.R. 58
S.B. 803

Senator Truan, Acting Chairman, submitted the following report for the Committee on Health and Human Services:

S.B. 1403

S.B. 1365

Senator Brooks submitted the following report for the Committee on Health and Human Services:

S.B. 943 (Amended)

Senator Truan, Acting Chairman, submitted the following report for the Committee on Health and Human Services:

S.B. 1162 (Amended)

Senator Brooks submitted the following report for the Committee on Health and Human Services:

C.S.S.B. 720

C.S.S.B. 819

Senator Harris submitted the following report for the Committee on Economic Development:

H.B. 2022

S.B. 872 (Amended)

C.S.S.B. 331

C.S.S.B. 873

Senator Caperton submitted the following report for the Committee on Jurisprudence:

S.B. 1346

S.B. 275

S.B. 550

S.B. 249

S.B. 1086

S.B. 1112

S.B. 1188

S.B. 1187

S.B. 1136

S.B. 1159 (Amended)

S.B. 1154 (Amended)

C.S.S.B. 1348

C.S.S.B. 1043

C.S.S.B. 498

C.S.S.B. 799

SENATE BILLS AND RESOLUTION ON FIRST READING

On motion of Senator Parker and by unanimous consent, the following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.B. 1473 by Parker Education
Relating to a contract for use, acquisition, or lease of school buses.

S.B. 1474 by Parker State Affairs
Relating to identification of certain vehicles owned by cities.

S.B. 1475 by Parker Intergovernmental Relations
Relating to the territorial requirements for incorporation of certain municipalities.

S.B. 1476 by Henderson State Affairs
 Relating to a notice that a driver's license and motor vehicle registration have been suspended for failure to maintain financial responsibility.

S.B. 1477 by Henderson, Armbrister, Economic Development
 Brooks, Brown, Green, Washington, Whitmire
 Relating to creation of a Texas Center for Superconductivity at the University of Houston-University Park.

S.C.R. 111 by Tejeda Jurisprudence
 Granting Valero Industrial Gas Company permission to sue the State of Texas and The University of Texas at Austin.

CO-AUTHORS OF SENATE BILL 1437

On motion of Senator Krier and by unanimous consent, Senators Zaffirini and Tejeda will be shown as Co-authors of **S.B. 1437**.

CO-AUTHORS OF SENATE BILL 1477

On motion of Senator Henderson and by unanimous consent, Senators Armbrister, Brooks, Brown, Green, Washington and Whitmire will be shown as Co-authors of **S.B. 1477**.

CO-AUTHORS OF SENATE BILL 1105

On motion of Senator Edwards and by unanimous consent, Senators Johnson, Sims and Truan will be shown as Co-authors of **S.B. 1105**.

CO-AUTHORS OF SENATE JOINT RESOLUTION 44

On motion of Senator Edwards and by unanimous consent, Senators Johnson, Sims and Truan will be shown as Co-authors of **S.J.R. 44**.

GUESTS PRESENTED

Senator Sims was recognized and introduced the Capitol Physician for the Day, Dr. Charles E. Jones of Fort Stockton.

Dr. Jones, accompanied by his wife, Linda, was welcomed and received the appreciation of the Senate for his service.

HOUSE CONCURRENT RESOLUTION 25 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

H.C.R. 25, Memorializing Congress to raise respite care for Alzheimer's disease victims to a higher priority under the Older Americans Act programs.

The resolution was read second time and was adopted viva voce vote.

SENATE BILL 888 WITH HOUSE AMENDMENT

Senator McFarland called **S.B. 888** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment - Guerrero

Amend **S.B. 888** as follows:

- (1) On page 98, line 11, strike "tax collector" and substitute "attorney".
- (2) On page 98, strike line 26 and substitute the following: "resale certificate may be required."

"(c) The comptroller may prescribe the form of an exemption certificate for a prior contract exemption under this chapter. (V.A.C.S. Art. 2353e, Sec.)."

(3) On page 67, line 19, and on page 105, line 11, between "a" and "copy" insert at each location "certified".

The amendment was read.

Senator McFarland moved to concur in the House amendment.

The motion prevailed viva voce vote.

MESSAGE FROM THE HOUSE

House Chamber
May 1, 1987

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 8, Relating to the creation and operation of a sick leave pool to benefit certain commissioned officers of the Department of Public Safety.

H.B. 289, Relating to the penalty for the offense of tampering with a consumer product and to the creation of the offense of threatening to tamper with a consumer product.

H.B. 323, Relating to the administration of a polygraph examination to a child taken into custody.

H.B. 390, Relating to an exemption from the requirement that drivers have certain automobile liability insurance before operating a motor vehicle in Texas.

H.B. 538, Relating to the indexing and use of photographs and fingerprints of missing juveniles.

H.B. 705, Relating to the manufacture, sale, or possession of a document that is deceptively similar to a driver's license or certificate issued by the Department of Public Safety; providing criminal penalties.

H.B. 876, Relating to a reduction in the amount of paperwork a nursing home or similar institution is required to complete and retain.

H.B. 924, Relating to an exemption from jury duty in certain counties for past service on a petit jury.

H.B. 1175, Relating to certain arrests made without warrants.

H.B. 1364, Relating to agreements in aid of turnpike projects between the Texas Turnpike Authority and the State Department of Highways and Public Transportation or local governmental entities; providing for the issuance of bonds.

H.B. 1586, Relating to the regulation of subsurface excavations by the Texas Water Commission.

H.B. 1621, Relating to the liability of certain persons who clean up hazardous or solid wastes and to the indemnification of those persons.

H.B. 1736, Relating to exempting personal property not held or used to produce income from ad valorem taxation.

H.B. 1637, Relating to the authority of the legislature and legislative agencies to accept gifts and grants.

H.B. 2082, Relating to ad valorem tax relief for certain off-shore drilling equipment that is not in use.

H.B. 1638, Relating to an exemption from jury service for certain state officers and employees.

H.B. 1739, Relating to dental examinations in nursing homes and convalescent homes and related institutions.

S.B. 311, Relating to judicial review of the determination of a school district's taxable value for public school finance purposes.

S.B. 389, Relating to the transfer of firemen within the fire department in certain cities.

S.B. 429, Relating to the appointment of a fire department assistant chief in certain cities.

S.B. 436, Relating to sewer services to municipalities under privatization contracts.

H.B. 33, Relating to the limitations period for fraud actions.

H.B. 162, Relating to the requirement that hotels provide smoke detectors for hearing impaired persons; providing a penalty.

H.B. 339, Relating to the creation of the County Court at Law No. 3 of Lubbock County.

H.B. 386, Relating to the civil service of process by constables.

H.B. 455, Relating to defenses applicable to certain sex offenses committed against a child.

H.B. 458, Relating to a court's authority to pronounce judgment and sentence on a defendant who voluntarily absents himself from a felony trial.

H.B. 575, Relating to the transfer of certain probate proceedings for the convenience of an estate.

H.B. 576, Relating to sale of property of a minor by a parent without guardianship.

H.B. 577, Relating to the time for filing a petition for an accounting and distribution of certain estates.

H.B. 578, Relating to costs and expenses incident to removal of certain personal representatives.

H.B. 579, Relating to the compensation of certain personal representatives.

H.B. 679, Relating to the order of proceedings in a criminal trial.

H.B. 745, Relating to the compensation of the criminal district attorney of Collin County.

H.B. 755, Relating to the deadline for filing a rendition statement or property report for property tax purposes.

H.B. 944, Relating to persons required to wear a life preserver.

H.B. 991, Relating to the board of directors of certain hospital districts.

H.B. 1025, Relating to certain fees collected by justices of the peace.

H.B. 1051, Relating to the tax bill for taxes totaling a minor amount.

H.B. 1230, Relating to the regulation of certain persons and entities involved in providing credit.

H.B. 1551, Relating to the hotel occupancy tax imposed by certain cities.

H.B. 1582, Relating to policies and audits of certain water districts and authorities.

- H.B. 1604**, Relating to the salaries of certain county court at law judges.
- H.B. 1614**, Relating to determination of protest of property appraisal.
- H.B. 1632**, Relating to disclosures by certain financial institutions.
- H.B. 1714**, Relating to initiating an appeal of a property tax determination.
- H.B. 1715**, Relating to the approval of an appraisal roll by the appraisal review board in certain counties.
- H.B. 1716**, Relating to the deposit of ad valorem taxes collected for a taxing unit.
- H.B. 1745**, Relating to the repeal of the requirement that an appraisal district maintain a listing of public property exempt from ad valorem taxation.
- H.B. 1783**, Relating to the authority of the Texas Water Commission to place certain restrictions and conditions in water rights permits.
- H.B. 1787**, Relating to a watermaster system for the Texas Water Commission.
- H.B. 1835**, Relating to property damage and liability insurance for motor bus operators.
- H.B. 1867**, Relating to the development of eligibility requirements to land appraised as open-space agricultural land or as timber land for ad valorem tax purposes.
- H.B. 1950**, Relating to medical and health facilities of the Lubbock County Hospital District; amending Acts 1967, 60th Leg., p. 1095, Ch. 484, **H.B. 878**; and declaring an emergency.
- H.B. 1959**, Relating to the requirement that parties to a workers' compensation award file statements of position before the Industrial Accident Board may issue an award.
- H.B. 1960**, Relating to payments of workers' compensation benefits when a dispute arises between two carriers as to the liability of each carrier.
- H.B. 1963**, Relating to the regulation of alcoholic beverages; providing penalties.
- H.B. 1965**, Relating to the creation of the criminal offense of possession, manufacture, transportation, repair, or sale of a blowgun.
- H.B. 2002**, Relating to deadlines for filing certain financial statements and to forms provided by the secretary of state.
- H.B. 2091**, Relating to the investment of funds of water control and improvement districts; amending Subchapter I, Chapter 51, Water Code by adding Section 51.363; and declaring an emergency.
- H.B. 2140**, Relating to fees for filing of workplace chemical lists under the Hazard Communication Act.
- H.B. 2164**, Relating to benefits from fire and police retirement systems in certain cities.
- H.B. 2206**, Relating to the correction of addresses of property owners on appraisal district records.
- H.B. 2220**, Relating to bond forfeiture proceedings in municipal courts, appeals from municipal courts, and the composition of county bail bond boards.
- H.B. 2301**, Relating to the employment of county purchasing agents in certain counties.

H.B. 2303, Relating to the appointment of a budget officer in certain counties.

H.B. 2462, Relating to purchase of teachers edition of textbooks in Braille.

H.B. 2507, Relating to the powers and duties of Dallas County Utility and Reclamation District to exclude land from and add land to the district; granting the power to implement a funded risk management program.

H.B. 782, Relating to the jurisdiction of the county civil courts at law of Harris County.

H.B. 907, Relating to the County Court at Law of Webb County.

H.B. 975, Relating to the creation of the County Court at Law of Washington County.

H.B. 2509, Relating to the composition, powers, and duties of the Dawson County Juvenile Board.

H.C.R. 121, Granting Charles F. Toney permission to sue the State of Texas and the Veterans' Land Board.

H.C.R. 136, Congratulating Temple Beth El of Tyler on its 100th anniversary.

S.B. 742, Relating to physical requirements for membership in certain fire fighters' retirement systems. (Amended)

H.B. 1788, Relating to the issuance of term permits for water rights.

H.B. 1811, Relating to the penalty for violating daily catch and retention limits for red drum and speckled sea trout.

H.B. 1718, Relating to an exemption from the franchise tax for certain corporations.

H.B. 1138, Relating to the use of flashing or alternating lights on tow trucks.

H.B. 2325, Relating to the creation, administration, and operation of regional districts under Chapter 50, Water Code and the assumption of debt of a regional district by a city.

H.B. 792, Relating to the creation, administration, powers, duties, operations, fiscal procedures, eminent domain authority, bond, note, and tax authority, and annexation authority of the Gillespie County Underground Water Conservation District.

H.B. 1958, Relating to eliminating certain discriminatory language in the workers' compensation act.

H.B. 1330, Relating to restrictions on the release of turkeys; creating an offense.

H.B. 1370, Relating to voluntary reductions of salaries of county employees for federal cafeteria plan benefits.

H.B. 1685, Relating to jury fees in civil cases in counties of 2,000,000 population or more.

H.B. 935, Relating to records and proceedings of a committee of a health maintenance organization and to information furnished to that committee.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 896 WITH HOUSE AMENDMENT

Senator McFarland called S.B. 896 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment - Danburg

Amend S.B. 896, Subsection (h) of Section 143.052, by striking "Except as provided by Section 143.056(h), in" and substituting "In".

The amendment was read.

Senator McFarland moved to concur in the House amendment.

The motion prevailed viva voce vote.

SENATE BILL 892 WITH HOUSE AMENDMENT

Senator Henderson called S.B. 892 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment - Danburg

Amend S.B. 892 as follows:

(1) On page 45, strike lines 6-13 and substitute the following:

(e) The fees assessed under Subdivisions 1 and 2 of Subsection (a) of this article shall be assessed on conviction, regardless of whether the defendant was also arrested at the same time for another offense, and shall be assessed for each arrest made of a defendant arising out of the offense for which the defendant has been convicted. For purposes of this article, the term "arrest" includes the issuance by a peace officer of a written notice to appear in court, following the defendant's alleged violation of a traffic law or municipal ordinance.

(2) On page 84, strike lines 12-26 and substitute the following:

(f) The following references in the Natural Resources Code are changed to "board":

(1) the reference in Section 34.0511(b) to "board for lease";

(2) the reference in Section 34.0511(e) to "board for lease for highway department lands";

(3) the reference in Section 34.0514 to "board for lease for highway department lands"; and

(4) the reference in Section 34.0515 to "board for lease of state highway department lands".

The amendment was read.

Senator Henderson moved to concur in the House amendment.

The motion prevailed viva voce vote.

(Senator McFarland in Chair)

**COMMITTEE SUBSTITUTE HOUSE CONCURRENT RESOLUTION 98
ON SECOND READING**

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

C.S.H.C.R. 98, Creating a commission to design a basic health plan for uninsured individuals who cannot afford health insurance to be named the Texas Commission on Health Care Reimbursement Alternatives.

The resolution was read second time and was adopted viva voce vote.

SENATE BILL 267 WITH HOUSE AMENDMENT

Senator Jones called **S.B. 267** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Committee Amendment - Craddick

Amend **S.B. 267** by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. Section 31.08(a), Tax Code, is amended to read as follows:

(a) At the request of any person, a collector for a taxing unit shall issue a certificate showing the amount of delinquent taxes, penalties, and interest due the unit on a property according to the unit's current tax records. If the collector collects taxes for more than one taxing unit, the certificate must show the amount of delinquent taxes, penalties, and interest due on the property to each taxing unit for which the collector collects the taxes. The collector shall charge a fee not to exceed \$10 [~~\$4~~] for each certificate issued. The collector shall pay all fees collected under this section into the treasury of the taxing unit that employs him.

SECTION 2. This Act takes effect September 1, 1987.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read.

Senator Jones moved to concur in the House amendment.

The motion prevailed viva voce vote.

SENATE BILL 506 WITH HOUSE AMENDMENT

Senator Jones called **S.B. 506** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Floor Amendment - Hammond

Amend **S.B. 506** on page 2 by inserting the following between lines 13 and 14:

(c) This section does not apply to a refund in an amount less than \$5.

The amendment was read.

Senator Jones moved to concur in the House amendment.

The motion prevailed viva voce vote.

RECORD OF VOTE

Senator Washington asked to be recorded as voting "Present-not voting" on the motion to concur in the House amendment.

SENATE BILL 1081 ON THIRD READING

Senator Henderson asked unanimous consent to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

S.B. 1081, Relating to registrations and reports filed with the secretary of state concerning communications to influence legislation or administrative action.

There was objection.

Senator Henderson then moved to suspend the regular order of business and take up **S.B. 1081** for consideration at this time on its third reading and final passage.

The motion prevailed by the following vote: Yeas 22, Nays 7.

Yeas: Anderson, Armbrister, Blake, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Sims, Tejeda, Uribe, Whitmire, Zaffirini.

Nays: Barrientos, Brooks, Green, Johnson, Sarpalius, Truan, Washington.

Absent: Parmer, Santiesteban.

The bill was read third time and was finally passed viva voce vote.

RECORD OF VOTES

Senators Barrientos, Brooks and Truan asked to be recorded as voting "Nay" on the final passage of the bill.

COMMITTEE SUBSTITUTE SENATE BILL 212 ON SECOND READING

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 212, Relating to the establishment of subregional transportation authorities in contiguous cities of certain regional transportation authorities and the date that an election may be held by a contiguous city to withdraw from an authority.

The bill was read second time.

Senator Leedom offered the following amendment to the bill:

Amend **C.S.S.B. 212** by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. Section 24, Chapter 683, Acts of the 66th Legislature, Regular Session, 1979, as amended (Article 1118y, Vernon's Texas Civil Statutes, is amended by amending Subsection (a) and adding Subsection () to read as follows:

(a) Nothing contained in this Act shall require any city with a population in excess of 150,000, according to the most recent population estimates of the appropriate metropolitan planning organization [federal census] and with boundaries contiguous to a principal city [with a population less than 800,000 according to the most recent federal census], or any city with boundaries contiguous to a principal city and with boundaries extending into two or more adjacent counties, two of which counties include a principal city, to be a part of or participate in the regional transportation authority provided herein. Such cities shall be called "contiguous cities."

() (1) A confirmation election held under the provisions of Subsection (h) of this section may not be held on the same day as a withdrawal election held in accordance with Section 9A of this article.

(2) A confirmation election held by a contiguous city under the provisions of Subsection (h) of this section after its withdrawal from a regional transportation authority section may only be held if

(A) a regional transportation authority in which the city had participated was abolished by act of the legislature or by a vote of the voters of the entire service area; or

(B) the sales tax authorized to be collected by a regional transportation authority in which it formerly was a member was modified in a manner that would reduce its annual revenue yield by one-half or more

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days

in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted viva voce vote.

On motion of Senator Leedom and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 212
ON THIRD READING**

Senator Leedom moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 212 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent: Parmer, Santiesteban.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent: Parmer, Santiesteban.

(President in Chair)

SENATE BILL 223 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 223, Relating to investigations of missing persons and missing or runaway children.

The bill was read second time.

Senator Zaffirini offered the following committee amendment to the bill:

Amend **S.B. 223** by striking the words "All Texas" on line 20 of Page 1 and substituting in lieu thereof the word "Local".

The committee amendment was read and was adopted viva voce vote.

Senator Edwards offered the following amendment to the bill:

Amend **S.B. 223** on page 1 by striking lines 42-45 and substituting the following:

"missing person, shall:

(1) if the subject of the report is a child, immediately start an investigation in order to determine the present location of the child;

(2) if the subject of the report is a person other than a child, start an investigation with due diligence in order to determine the present location of the person; and

(3) immediately enter the name of the child or person into the".

The amendment was read and was adopted viva voce vote.

On motion of Senator Zaffirini and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 223 ON THIRD READING

Senator Zaffirini moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 223 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent: Parmer, Santiesteban.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent: Parmer, Santiesteban.

GUEST PRESENTED

On invitation of the President, Mr. Hyman Grossman, Managing Director, Municipal Finance Department of Standard and Poor's Corporation, addressed the Senate relating to today's financial outlook in Texas.

The Senate expressed its appreciation for these comments and received answers to their questions of Mr. Grossman.

SENATE BILL 485 ON SECOND READING

On motion of Senator Johnson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 485, Relating to the declaration of the birthday of the Reverend Martin Luther King, Jr., as a legal holiday.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 485 ON THIRD READING

Senator Johnson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 485 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 640 ON SECOND READING

On motion of Senator Green and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 640, Relating to representation of the state in forfeiture hearings.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 640 ON THIRD READING

Senator Green moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 640 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE RESOLUTION 485

Senator Parmer offered the following resolution:

S.R. 485, Recognizing May 1, 1987, as Senior Day in Texas.

The resolution was read and was adopted viva voce vote.

GUESTS PRESENTED

Senator Parmer was recognized and introduced members of the Silver Haired Legislature seated in the gallery, observing today's session.

The Senate welcomed these guests.

SENATE BILL 439 WITH HOUSE AMENDMENT

Senator Santiesteban called **S.B. 439** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment - Riley

Amend **S.B. 439** on page 1, line 20, by striking "by" and substituting "against".

The amendment was read.

Senator Santiesteban moved to concur in the House amendment.

The motion prevailed viva voce vote.

SENATE JOINT RESOLUTION 32 ON SECOND READING

On motion of Senator Sarpalius and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.J.R. 32, Proposing a constitutional amendment authorizing the legislature to provide by law for the creation, operation, and financing of senior citizen center districts.

The resolution was read second time and was passed to engrossment viva voce vote.

SENATE JOINT RESOLUTION 32 ON THIRD READING

Senator Sarpalius moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.J.R. 32** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The resolution was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 729 ON SECOND READING

On motion of Senator Sarpalius and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 729, Relating to the creation, boundaries, operation, financing, and dissolution of senior citizen center districts.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 729 ON THIRD READING

Senator Sarpalius moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 729 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

SENATE JOINT RESOLUTION 12 ON SECOND READING

Senator McFarland moved to suspend the regular order of business to take up for consideration at this time:

S.J.R. 12, Proposing a constitutional amendment to exempt from ad valorem taxation certain tangible personal property temporarily located in the state.

POINT OF ORDER

Senator Leedom raised the Point of Order that the motion to suspend the regular order was a nondebatable motion.

The President overruled the Point of Order; and stated that **S.J.R. 12** was at the top of the Regular Order of Business Calendar and laid out the resolution on its second reading and passage to engrossment:

S.J.R. 12, Proposing a constitutional amendment to exempt from ad valorem taxation certain tangible personal property temporarily located in the state.

The resolution was read second time.

Senator McFarland offered the following amendment to the resolution:

Floor Amendment No. 1

Amend **S.J.R. 12** by striking all below the resolving clause and substituting the following:

SECTION 1. Article VIII, Section 1, of the Texas Constitution is amended to read as follows:

Sec. 1. (a) Taxation shall be equal and uniform.

(b) All real property and tangible personal property in this State, unless exempt as required or permitted by this constitution, whether owned by natural persons or corporations, other than municipal, shall be taxed in proportion to its value, which shall be ascertained as may be provided by law.

(c) The Legislature may provide for the taxation of intangible property and may also impose occupation taxes, both upon natural persons and upon corporations, other than municipal, doing any business in this State. It may also tax incomes of both natural persons and corporations other than municipal, except that persons engaged in mechanical and agricultural pursuits shall never be required to pay an occupation tax.

(d) The Legislature by general law shall exempt household goods not held or used for the production of income and personal effects not held or used for the production of income, and the Legislature by general law may exempt all or part of the personal property homestead of a family or single adult, "personal property homestead" meaning that personal property exempt by law from forced sale for debt, from ad valorem taxation.

(e) To promote economic development in this State, tangible personal property consisting of goods, wares, merchandise, or ores, other than oil, gas, and other petroleum products, is exempt from ad valorem taxation if:

(1) the property is transported from outside this State into this State to be forwarded outside this State, whether or not the intention to forward the property

outside this State was formed or the destination outside this State to which the property is forwarded was specified when the transportation of the property into this State began;

(2) the property is detained in this State for assembling, storing, manufacturing, processing, or fabricating purposes; and

(3) the property is not located in this State for more than 175 days.

(f) Tangible personal property described by Subsection (e) of this section is not exempt from taxation by a county, school district, or municipality if the governing bodies of the county, school district, and any municipality in which such property is located take official action before January 1, 1988, to provide for the taxation of all or a percentage of the appraised value of such property. To be effective, the actions of the county, school district, and municipality in which such property is located must contain the same provisions relating to the percentage of the appraised value of such property that is to be subject to taxation. After January 1, 1988, by official action of the governing body, a county, school district, or municipality may rescind its action taken before that date providing for the taxation of such property. In that event, such property becomes exempt from taxation by the rescinding county, school district, or municipality in each tax year beginning thereafter and, if the governing body so provides, in the current tax year.

(g) The occupation tax levied by any county, city or town for any year on persons or corporations pursuing any profession or business, shall not exceed one half of the tax levied by the State for the same period on such profession or business.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 3, 1987. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment providing for the exemption from ad valorem taxation of certain property located in the state for a temporary period for manufacturing and other purposes."

The amendment was read.

(Senator Washington in Chair)

Senator Anderson offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend S.J.R. 12 as follows:

(1) On page 2, strike (e) and substitute the following:

(e) The governing body of a political subdivision of this state by official action may exempt from ad valorem taxation tangible personal property consisting of goods, wares, merchandise, or ores, other than oil, gas, and other petroleum products, if:

(2) On page 3, strike the language "providing for the exemption" and substitute the following:

"to allow political subdivisions to exempt".

The amendment was read.

On motion of Senator McFarland, Floor Amendment No. 2 was tabled by the following vote: Yeas 19, Nays 8.

Yeas: Armbrister, Blake, Brooks, Brown, Edwards, Glasgow, Harris, Henderson, Jones, Krier, Leedom, McFarland, Parker, Santiesteban, Sarpalius, Sims, Tejada, Uribe, Zaffirini.

Nays: Anderson, Barrientos, Green, Johnson, Lyon, Parmer, Truan, Washington.

Absent: Caperton, Farabee, Montford, Whitmire.

Question recurring on the adoption of Floor Amendment No. 1, the amendment was adopted viva voce vote.

On motion of Senator McFarland and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The resolution as amended was passed to engrossment viva voce vote.

RECORD OF VOTE

Senator Truan asked to be recorded as voting "Nay" on the passage of the resolution to engrossment.

SENATE JOINT RESOLUTION 12 ON THIRD READING

Senator McFarland moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.J.R. 12 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 2.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sims, Tejada, Uribe, Zaffirini.

Nays: Truan, Washington.

Absent: Green, Whitmire.

The resolution was read third time and was passed by the following vote: Yeas 27, Nays 2. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 887 ON SECOND READING

On motion of Senator Krier and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 887, Relating to protective orders and the elements of an offense of a violation of a protective order.

The bill was read second time and was passed to engrossment viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 887 ON THIRD READING

Senator Krier moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 887 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent: Green, Whitmire.

The bill was read third time and was passed viva voce vote.

SENATE BILL 826 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 826, Relating to use of state-owned buildings for child day care.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 826 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 826** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent: Green, Whitmire.

The bill was read third time and was passed viva voce vote.

SENATE BILL 827 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 827, Relating to authorization for the Texas Employment Commission to provide information and technical assistance regarding child day care for public and private employees.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 827 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 827** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent: Green, Whitmire.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 705
ON SECOND READING**

On motion of Senator Tejeda and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 705, Relating to the creation of research and development authorities.

The bill was read second time and was passed to engrossment viva voce vote.

(President in Chair)

**COMMITTEE SUBSTITUTE SENATE BILL 705
ON THIRD READING**

Senator Tejeda moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 705** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent: Green, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE SENATE BILL 182
ON SECOND READING**

On motion of Senator Edwards and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 182, Relating to the recruitment of women and ethnic minorities into programs of engineering and science at institutions of higher education.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 182
ON THIRD READING**

Senator Edwards moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 182** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE SENATE BILL 775
ON SECOND READING**

On motion of Senator Edwards and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 775, Relating to the establishment of certain research programs to fund and evaluate research conducted at certain institutions of higher education.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 775
ON THIRD READING**

Senator Edwards moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 775** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 776
ON SECOND READING**

On motion of Senator Edwards and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 776, Relating to a center for the support of a comprehensive database network to further the state's goal of economic diversification.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 776
ON THIRD READING**

Senator Edwards moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 776** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE SENATE BILL 635
ON SECOND READING**

On motion of Senator Uribe and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 635, Relating to the regulation of physical therapists.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 635
ON THIRD READING**

Senator Uribe moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 635** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 862
ON SECOND READING**

On motion of Senator Anderson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 862, Relating to the regulation of motor buses transporting railroad crews.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 862
ON THIRD READING**

Senator Anderson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 862** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 504
ON SECOND READING**

Senator Lyon asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 504, Relating to a hunter education program; providing penalties.

There was objection.

Senator Lyon then moved to suspend the regular order of business and take up **C.S.S.B. 504** for consideration at this time.

The motion prevailed by the following vote: Yeas 19, Nays 6.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Johnson, Jones, Lyon, Montford, Parker, Parmer, Santiesteban, Sarpalius, Tejada, Truan, Uribe, Zaffirini.

Nays: Edwards, Farabee, Glasgow, Henderson, Leedom, Sims.

Absent: Green, Harris, Krier, McFarland, Washington, Whitmire.

The bill was read second time.

Senator Sarpalius offered the following amendment to the bill:

Floor Amendment No. 1

C.S.S.B. 504 is amended by adding a new paragraph at the end of subsection 1d) of SECTION 1 of this act to read as follows:

The department is responsible for offering mandatory hunter education courses that are accessible to those persons required to take this course. To this end, the department shall provide hunter education opportunities in each county of the state when a substantial number of residents request a class or at least once a year.

The amendment was read and was adopted viva voce vote.

Senator Montford offered the following amendment to the bill:

Floor Amendment No. 2

C.S.S.B. 504 is amended by adding subsections (k), (l), and (m) to SECTION 1 to read as follows:

(k) If the commission requires a person to possess a certificate issued under this section and if the person is charged with a Class C Parks and Wildlife Code misdemeanor for failing to possess the required certificate, the person may present to the court not later than the 10th day after the date of the alleged offense an oral request or written motion to take a hunter safety training course.

(l) If a person requests a hunter safety training course as provided by Subsection (h) of this section, the court shall defer proceedings and allow the person 90 days to present written evidence that, after being charged with failure to possess the certificate, the person has successfully completed a hunter safety training course approved by the department. If a person successfully completes the course and the evidence presented is accepted by the court, the court shall dismiss the charge.

(m) It is a defense to prosecution under this section for failure to possess a certificate that the person charged produces in court a certificate issued to that person that was valid on the date of the alleged offense.

The amendment was read and was adopted viva voce vote.

Senator Brown offered the following amendment to the bill:

Floor Amendment No. 3

Amend C.S.S.B. 504, SECTION 1, Sec. 62.014 (c) by adding a new sentence at the end of the paragraph reading:

"A person who is under 17 years of age who is hunting with a licensed hunter is not required to have certification under this act."

The amendment was read and was adopted viva voce vote.

On motion of Senator Lyon and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

RECORD OF VOTE

Senator Sims asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 1280
ON SECOND READING**

Senator Parmer moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 1280, Relating to the right of unpaid parental leave for employees of the state of Texas; employment protection and maintenance of benefits for those exercising the right; including prohibition of coercion of those exercising the right; and providing for enforcement.

The motion prevailed by the following vote: Yeas 19, Nays 6.

Yeas: Anderson, Armbrister, Barrientos, Brooks, Caperton, Edwards, Farabee, Johnson, Krier, Lyon, Montford, Parker, Parmer, Santiesteban, Tejeda, Truan, Uribe, Washington, Zaffirini.

Nays: Blake, Brown, Glasgow, Jones, Leedom, Sims.

Absent: Green, Harris, Henderson, McFarland, Sarpalius, Whitmire.

The bill was read second time.

Senator Leedom offered the following amendment to the bill:

Amend **C.S.S.B. 1280** by striking Subsection (d) of SECTION 3 in its entirety and substituting in lieu thereof the following:

(d) An employing agency may require an employee who plans to take a leave pursuant to this Act to give reasonable notice of the approximate date such leave shall commence and estimated duration of the leave. If both spouses are employees, only one spouse at a time is entitled to parental leave and such combined leave time shall not exceed 12 months subject to any extensions authorized by Subsection (e) of this section.

The amendment was read and was adopted viva voce vote.

On motion of Senator Parmer and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**MOTION TO PLACE
COMMITTEE SUBSTITUTE SENATE BILL 1280 ON THIRD READING**

Senator Parmer moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1280** be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 19, Nays 6. (Not receiving four-fifths vote of Members present)

Yeas: Anderson, Armbrister, Barrientos, Brooks, Caperton, Edwards, Farabee, Johnson, Krier, Leedom, Lyon, Montford, Parker, Parmer, Santiesteban, Tejeda, Truan, Uribe, Zaffirini.

Nays: Blake, Brown, Glasgow, Jones, Sims, Washington.

Absent: Green, Harris, Henderson, McFarland, Sarpalius, Whitmire.

HOUSE BILL 677 REREFERRED

On motion of Senator Farabee and by unanimous consent, H.B. 677 was withdrawn from the Committee on Health and Human Services and rereferred to the Committee on State Affairs.

HOUSE BILL 855 REREFERRED

On motion of Senator Caperton and by unanimous consent, H.B. 855 was withdrawn from the Committee on Economic Development and rereferred to the Committee on Jurisprudence.

MEMORIAL RESOLUTION

S.R. 495 - By Caperton: Memorial resolution for Herman Yezak.

CONGRATULATORY RESOLUTIONS

H.C.R. 136 - (Lyon): Extending congratulations to Temple Beth El of Tyler on its 100th anniversary.

S.R. 490 - By Tejada: Extending congratulations to Terry Donahue.

S.R. 491 - By Johnson: Recognizing the significance of "Cinco de Mayo" and urging the citizens of Grand Prairie and Dallas and throughout the State to join in celebrating this event.

S.R. 492 - By Truan: Honoring the Knights of Columbus and, in particular, the Texas State Council Knights of Columbus.

S.R. 493 - By Brown: Extending best wishes to the Gulf Coast Yacht Brokers Association and the Clear Lake Boating and Recreation Council for their Third Annual Spring Fling.

S.R. 494 - By Brown: Extending congratulations to Jennifer Thornton, Linnea Schlobohm, Charles Biggs, George Thirsk, Betty Finley, Cherie Newell, Ethel Smith, Diana Schliesing and Steven Remollino from the University of Houston-Clear Lake.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:31 p.m. adjourned until 11:00 a.m. Monday, May 4, 1987.

APPENDIX

Signed by Governor
(April 30, 1987)

S.B. 357 (Effective August 31, 1987)

Sent to Governor
(May 1, 1987)

S.C.R. 102

FIFTY-FIRST DAY
(Monday, May 4, 1987)

The Senate met at 11:00 a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon,